
IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

DANA MICHELLE ZAMPEDRI,

Plaintiff,

v.

**FEDERAL BUREAU OF
INVESTIGATIONS, DRUG
ENFORCEMENT AGENCY, LAYTON
POLICE DEPARTMENT and CLINTON
POLICE DEPARTMENT,**

Defendants.

**ORDER AFFIRMING & ADOPTING
REPORT & RECOMMENDATION**

Case No. 1:22-CV-031-DAK-DBP

Judge Dale A. Kimball

Magistrate Judge Dustin B. Pead

This case was assigned to United States District Court Judge Dale A. Kimball, who referred the case to United States Magistrate Judge Dustin B. Pead under 28 U.S.C. § 636(b)(1)(B).¹ Plaintiff filed her Complaint after receiving permission to proceed *in forma pauperis*. Under the *in forma pauperis* statute, the court shall, at any time, dismiss a case if the court determines that the Complaint is frivolous, malicious, or fails to state a claim upon which relief can be granted.”²

On April 18, 2022, Magistrate Judge Pead issued a Report and Recommendation [ECF No. 10], recommending that Plaintiff’s action be dismissed with prejudice for frivolousness or “failure to state a claim on which relief may be granted” under 28 U.S.C. § 1915(e)(2)(B)(i), (ii).

¹ Under General Order 20-034, this case was initially assigned to Magistrate Judge Pead. Because the plaintiff did not consent to having a magistrate judge preside over the case, the case was randomly assigned to the undersigned judge.

² See 28 U.S.C. § 1915(e)(2)(B)(i), (ii).

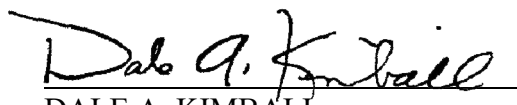
The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation must be filed within fourteen days of receiving it. Plaintiff has not submitted an objection as of the date of this Order, which is twenty-nine days past the issuance of the Report and Recommendation. The court, therefore, assumes the deadline for submitting an objection has passed.

A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the Report and Recommendation and the record *de novo* and agrees with Magistrate Judge Pead's recommendations, including his recommendation that allowing Plaintiff to amend her Complaint would be futile and that the dismissal should therefore be with prejudice.

Accordingly, the court adopts and affirms Magistrate Judge Pead's Report and Recommendation in its entirety. Plaintiff's action is dismissed with prejudice for frivolousness and for failing to state a claim on which relief may be granted.

DATED this 17th day of May, 2022.

BY THE COURT:


DALE A. KIMBALL
United States District Judge